

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARIETTA LEE GREENE
aka MARIETTA LEE WILLIFORD
2277 Grove Avenue
Sacramento, CA 95815

Registered Nurse License No. 515063

Respondent

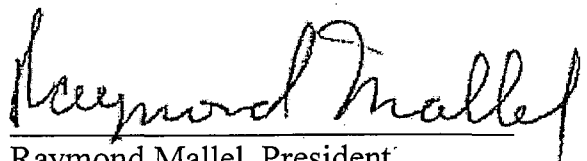
Case No. 2011-810

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 14, 2012.**

IT IS SO ORDERED **December 14, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE LACHMAN
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-810

12 **MARIETTA LEE GREENE, AKA**
13 **MARIETTA LEE WILLIFORD**
2277 Grove Avenue
14 Sacramento, CA 95814
Registered Nurse License No. 515063

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:
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20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Elena L.
24 Almanzo, Deputy Attorney General.

25 2. Marietta Lee Greene, aka Marietta Lee Williford (Respondent) is represented in this
26 proceeding by attorney Jeffrey Kravitz, whose address is 6747 Fair Oaks Boulevard, Carmichael,
27 CA 95608-3811

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3. On or about August 25, 1995, the Board of Registered Nursing issued Registered Nurse License No. 515063 to Marietta Lee Greene, aka Marietta Lee Williford (Respondent). The Registered Nurse License expired on July 31, 2009 through March 17, 2011. Respondent renewed said license and it will expire on July 31, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2011-810 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 22, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-810 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2011-810. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2011-810, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 515063 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 515063, issued to Respondent Marietta Lee Greene, aka Marietta Lee Williford, is surrendered and accepted by the Board of Registered Nursing.

1 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board of Registered Nursing.

5 2. Respondent shall lose all rights and privileges as a registered nurse in California as of
6 the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2011-810 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the petition.

15 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of \$5,000. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
19 Board from reducing the amount of cost recovery upon reinstatement of the license.

20 6. Respondent shall not apply for licensure or petition for reinstatement for one (1) years
21 from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED: 8/28/12 Marietta Greene
MARIETTA LEE GREENE, AKA MARIETTA
LEE WILLIFORD
Respondent

DATED: 8/28/12 JEFFREY KRAVITZ
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 8/29/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE LACHMAN
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2011-810

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2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-810

13 **MARIETTA LEE GREENE, AKA**
14 **MARIETTA LEE WILLIFORD**
15 **838 Rancho Roble Way, Apt. 117**
16 **Sacramento, CA 95834**
17 **Registered Nurse License No. 515063**

A C C U S A T I O N

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 25, 1995, the Board of Registered Nursing issued Registered
24 Nurse License Number 515063 to Marietta Lee Greene, aka Marietta Lee Williford (Respondent).
25 The Registered Nurse License will expire on July 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

6. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

7. Business and Professions Code section 822 provides that:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

1 (a) Revoking the licentiate's certificate or license.

2 (b) Suspending the licentiate's right to practice.

3 (c) Placing the licentiate on probation.

4 (d) Taking such other action in relation to the licentiate as the licensing
5 agency in its discretion deems proper.

6 The licensing agency shall not reinstate a revoked or suspended
7 certificate or license until it has received competent evidence of the absence or
8 control of the condition which caused its action and until it is satisfied that with due
9 regard for the public health and safety the person's right to practice his or her
10 profession may be safely reinstated.

11 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licentiate found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE
16 (Conviction of a Crime)

17 9. Respondent is subject to disciplinary action under section 2761, subdivision (f) for
18 unprofessional conduct in that she was convicted of a crime substantially related to the practice of
19 nursing, as more specifically set forth below:

20 10. On or about May 12, 2009, in People v. Marietta Greene, Sacramento Superior Court
21 Case No. 09M04544, Respondent was convicted on her plea of nolo contendere to a violation of
22 Penal Code section 148(a) (resisting or obstructing an officer or medical technician).
23 Respondent was placed on criminal probation and on July 16, 2009, Respondent violated said
24 probation.

25 SECOND CAUSE FOR DISCIPLINE
26 (Mental Illness Affecting Competency)

27 11. Respondent is subject to disciplinary action under section 822 in that her ability to
28 safely practice her profession, as a registered nurse, is impaired due to mental illness affecting her
competency, as more specifically set forth below:


1 On or about July 7, 2011, and July 13, 2011, respondent was interviewed and evaluated by
2 Charles B. Schaffer, M.D. in compliance with the Board's Order to compel a psychiatric
3 evaluation. The Board issued the Order after it received notification of incidents of bizarre
4 behavior occurring in January through May of 2009. Dr. Schaffer concluded that Respondent is
5 not safe to practice as a nurse because she is at high risk of experiencing a relapse of a disabling
6 episode of Bipolar I Disorder and she does not have insight into the nature and severity of her
7 Bipolar I Disorder.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 515063, issued to
12 Marietta Lee Greene, aka Marietta Lee Williford
 - 13 2. Ordering Marietta Lee Greene, aka Marietta Lee Williford to pay the Board of
14 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3;
 - 16 3. Taking such other and further action as deemed necessary and proper.
- 17
18

19 DATED: November 22, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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